

PATENT

Atty. Dkt. No. KPTS/TS8848

**REMARKS**

This is intended as a full and complete response to the Final Office Action dated February 24, 2005, having a shortened statutory period for response set to expire on May 24, 2005. On March 29, 2005 telephonic interviews were held between Keith Tackett, Reg. No 32,008, and Examiner Chang regarding the amendments presented in the Response to Office Action filed on December 21, 2005. Please reconsider the claims pending in the application for reasons discussed below.

Claims 11-31 remain pending in the application and are shown above. Claims 11-31 are rejected by the Examiner. Claims 11 and 26 are amended for clarity. Reconsideration of the rejected claims is requested for reasons presented below.

Claims 11-31 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. During the telephonic interviews, Applicants disagreed that "oil free" in Claims 11 and 26 is not described in the specification since preferred compositions are described to be free of hydrocarbon oils such as paraffinic oils and naphthenic oils at page 9 of the specification. The Examiner responded that the specification actually teaches that the preferred compositions are plasticizer-free as recited in the preamble but not expressly recited in the elements of the claims. Applicant disagreed that the written description is limited to plasticizer-free compositions since a fair reading of page 9 establishes that the specification also teaches that plasticizers other than the conventional oils can be used with specific reference to oligomers of randomly or sequentially polymerized styrene and conjugated diene, oligomers of conjugated diene, such as butadiene or isoprene, liquid polybutene-1, and ethylene-propylene-diene rubber. Thus, the specification does support Claims 11 and 26 as being either oil-free or hydrocarbon oil-free. Nevertheless, Applicant proposes amending Claims 11 and 26 to more clearly recite absence of hydrocarbon oils as expressly described on page 9 of the specification. Withdrawal of the written description rejection of claims 11-30 as amended or as currently pending is respectfully requested.

Claims 11-15 and 20-25 are rejected under 35 U.S.C. § 103(a) as obvious over *Burns* (U.S. Patent No. 5,496,862) in view of *Hwo* (U.S. Patent No. 5,585,411).

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Applicant respectfully traverses the rejection. *Burns* teaches including in the polymer blend 2 weight percent low density polypropylene, a compound that does not have alkyl groups having 2 or more carbon atoms attached to the carbon backbone. *Hwo* teaches a material in demanding temperature tolerance applications such as for refrigerators or HVAC insulation, requiring olefinic rubber for the material. Therefore, *Burns* and *Hwo*, alone or in combination, does not teach, show, or suggest one or more thermoplastic elastomeric block copolymers, one or more polymers having alkyl groups containing 2 or more carbon atoms attached to a carbon backbone and having a melt flow index of from 0.1 to 200 dg/min (at 2.16 kg/190°C, determined in accordance with ASTM D 1238), and a blowing agent, wherein the foamed thermoplastic elastomer composition is hydrocarbon oil-free, as recited in Claim 11, and claims dependent thereon. Withdrawal of the rejection is respectfully requested.

Claims 17-19 and 26-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Burns* in view of *Hwo* and further in view of *Burnell* (U.S. Patent No. 5,727,182). Applicant respectfully traverses the rejection. *Burns* does not teach styrenic selectively hydrogenated block copolymer wherein the vinyl content of the conjugated diene block is at least 35 mol % based on the total diene content. *Hwo* requires olefinic rubber in each of its compositions. *Burnell* teaches styrenic block copolymers for use in foamable materials, but *Burnell* requires a hydrocarbon rubber extending oil in each composition of styrenic block copolymers. *Burnell* in combination with the other references does not suggest using a styrenic block copolymer in the absence of the typical plasticizing oils.

Therefore, *Burns*, *Hwo*, and *Burnell*, alone or in combination, do not teach, show, or suggest one or more thermoplastic elastomeric block copolymers, one or more polymers having alkyl groups containing 2 or more carbon atoms attached to a carbon backbone having a melt flow index of from 0.1 to 200 dg/min (at 2.16 kg/190°C, determined in accordance with ASTM D 1238), and a blowing agent, wherein the elastomer composition is hydrocarbon oil-free and wherein each styrenic elastomeric block copolymer is a selectively hydrogenated block copolymer wherein the vinyl content of the conjugated diene block is at least 35 mol% based on the total diene content, as recited in Claim 17, and claims dependent thereon.

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Furthermore, *Burns*, *Hwo*, and *Burnell*, alone or in combination, do not teach, show, or suggest 100 parts by weight of a mixture of a selectively hydrogenated styrene/conjugated diene multi block copolymer and a selectively hydrogenated styrene/conjugated diene diblock copolymer, 10 to 100 parts by weight of a branched polyolefin selected from the group consisting of a polymer of 1-butene and a high melt strength polymer of propene, the branched polyolefin having a melt flow index of from 0.1 to 200 g/10min (at 2.16 kg/190 C, determined in accordance with ASTM D 1238), and a blowing agent in an amount of from 1 to 10 percent weight, based on the total weight of the foamed thermoplastic elastomer composition, wherein the foamed thermoplastic elastomer composition is hydrocarbon oil-free as recited in Claim 26 and claims dependent thereon. Withdrawal of the rejection is respectfully requested.

Applicant further traverses the rejection of dependent Claims 12-25 and 27-31 on grounds that they depend on claims that recite patentable subject matter. Withdrawal of the rejection is respectfully requested.

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed.

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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